

REMARKS

This Amendment responds to the Action dated February 19, 2008, wherein claims 1-27 were rejected. Reconsideration in view of the amendments made herein is respectfully requested.

It is noted that an agrochemical composition of the invention is distinguished from prior art compositions predominantly by the physical characteristics of its consistency, with an important feature being the conditions of the formation of the composition. The composition of the claimed invention is formed by solidifying a molten mix, and that leads to many of its properties, such as homogeneity down to the molecular level.

This important feature has been incorporated into amended claim 1. Support can be found, for example, at lines 18-19 on page 4, line 6, on page 6, line 14 on page 7, and line 8 on page 11.

Claims 1-27 are rejected as being unpatentable over Alyeshmerni et al. (WO 00/76941 A1) in view of Dean et al. (US 6,245,717 B1).

Claims 3, 7, 11, 20, 22, 25, and 27 have been canceled. Claims 1-2, 4-6, 8-10, 12-19, 23-24, and 26 have been amended, and are now believed to be patentable for the reasons explained below. New claim 40 has been added.

Alyeshmerni relates to potassium phosphite fertilizer formulations, processes for producing them, and methods to deliver them to plants. Particularly, '941 relates to fertilizer formulations or mixtures that might be dry or aqueous, homogenous or nonhomogenous (p.8, line 28), solid or granular (p.9, line 24).

Dean relates to a method for suppressing the production and/or movement of auxin in higher plants (c.2, lines 17-19) by the application of an antiauxin, which may be in the form of a granule, powder, or liquid (column 4, lines 57-58).

The instant invention, as defined in the amended claims, relates to an agrochemical composition not only capable of providing to the plants all nutrients, but having ideal consistency for the user. Although containing many components, including phosphonates, micronutrients and other NPK, the composition is homogeneous nearly down to the molecular level, further being a free-flowing

granular solid of uniform particle size. In addition, the composition is essentially devoid of water.

Alyeshmerny ('941) provides a composition that essentially consists of potassium phosphite and adding other components, such as micronutrients (p. 15, line 15). However, Alyeshmerny does not suggest achieving in these "homogenous or nonhomogenous" mixtures such a degree of homogeneity as taught by the claimed invention. The homogeneity of the inventive mixtures results from the fact that all components, even though being solid, undergo the conversion to liquid phase and homogenizing, followed by cooling to an essentially waterless solid. Alyeshmerny suggests to use exothermic heat generated by mixing phosphorous acid with a base for evaporating water (p.5, lines 29-33), or alternatively to spray-dry the product (p.12, line 17). However, Alyeshmerny's mixture, even when solid, is solid at 2°C (p.6, line 19), reflecting a high residual water content.

Alyeshmerny would not have led a person skilled in the art to a solid agrochemical composition which has undergone a molten stage, comprising homogenizing a complex molten mixture and cooling and breaking it. Dean would not have provided any inspiration or any means to a skilled person to adjust Alyeshmerny's composition or method in such a way so as to heat phosphorous acid with a base and other nutrients in a molten mixture at a temperature of from 60-130°C, followed by cooling it down to free-flowing, uniform in particle size, and essentially waterless granules.

Alyeshmerny would not have led to an essentially dry complex mixture which is submitted to melting in the instant invention, in large part, because Alyeshmerny mentions evaporating and heat-drying, and also states that the raw materials are supposed to be aqueous (page 22, line 21) in '941. Applicant respectfully submits that Alyeshmerny and Dean, alone or together, would not have inspired a skilled person to melt the mixture by heating at a temperature of from 60°C to 130°C, to homogenize all components nearly down to the molecular level as occurring in a melt, and to rid the mixture of water down to a level of 0-1%. Mixing the components and heating as disclosed in the claimed invention is essential for obtaining the free flowing soluble granules, which are non-caking and have low hygroscopicity. Such a composition is

very desirable in many agricultural applications, and enables easy storage and manipulation.

Thus, Applicant respectfully submits that the invention, as described in the amended claims, namely the solidified molten homogeneous mixture having the described features, is novel and non-obvious over the cited documents. It is believed that the amended claims are now ready for allowance.

Early and favorable action is respectfully requested.

Respectfully submitted,
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